

Message Text

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E.O. 11652: GDS

TAGS: ASEC AFSP MILI OGEN GR

SUBJ: CASE OF MSG TELESFORO SANCHEZ

REF A. LEDSKY-PUGH JUNE 30 TELECON B. ATHENS 4607

1. FOLLOWING GOG AGREEMENT TO US COURT MARTIAL OF SGT. SANCHEZ ON GREEK SOIL (REF B), WHICH REPRESENTED IMPLICIT ACCEPTANCE OF USG POSITION THAT SGT. SANCHEZ ENTITLED TO IMMUNITY UNDER VIENNA CONVENTION, A JUDICIAL DECREE WAS ISSUED WHICH CONFIRMED LACK OF GREEK JURISDICTION. IN MEANTIME, TRIAL AND DEFENSE COUNSELS HAVE BEEN ENGAGED IN FIRST PHASE OF GENERAL COURT MARTIAL (GCM) HEARINGS CONDUCTED BY MILITARY JUDGE ON VARIOUS MOTIONS ENTERED BY DEFENSE COUNSEL, AND IN SEEKING OUT WITNESSES (MAINLY GREEK POLICE AND CIVIL OFFICIALS) PREPARATORY TO GCM HEARING OF EVIDENCE ON CHARGES AND SPECIFICATIONS REFERRED AGAINST SGT. SANCHEZ. AMONG MOTIONS MADE BY DEFENSE COUNSEL WAS ONE TO DISMISS ALL CHARGES AND SPECIFICATIONS DUE TO LACK OF SPEEDY TRIAL. AMBASSADOR AND POL/MIL OFFICER WERE CALLED UPON TO TESTIFY IN JUNE 25 HEARING OF THIS MOTION, WHICH SUBSEQUENTLY WAS DENIED.

2. MILITARY JUDGE DID FIND THAT CONVENING AUTHORITY HAD NOT BEEN ADVISED IN WRITING REGARDING THE ELEMENT OF SPECIFIC
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INTENT FOR THE CHARGE OF ATTEMPTED RAPE PRIOR TO HIS REFERRAL

OF THAT CHARGE TO A GENERAL COURT MARTIAL. THIS WAS REGARDED AS PROCEDURAL RATHER THAN SUBSTANTIVE ERROR, AND IT IS IN PROCESS OF BEING CORRECTED.

3. TRIAL OF SGT. SANCHEZ NOT NOW EXPECTED TO RESUME BEFORE MID-JULY. DELAY UNTIL THAT TIME ATTRIBUTED TO TIME REQUIRED BY COUNSELS TO INTERVIEW AND ARRANGE FOR PRESENCE OF PROSPECTIVE WITNESSES. LACK OF SUBPOENA POWER MAKES THIS STRICTLY VOLUNTARY MATTER, ALTHOUGH GOG OFFICIALS EXPECTED TO COOPERATE. WILLINGNESS OF ALLEGED VICTIM AND HER FAMILY TO APPEAR AS WITNESSES NOT YET ESTABLISHED.

4. GOG INTENDS TO HAVE OBSERVER PRESENT, ALTHOUGH FONOFF INDICATED LACK OF INTEREST IN PRESENCE AT HEARING ON MOTIONS. WHEN DATE IS FIXED FOR RESUMPTION OF GCM, EMBASSY WILL ADVISE MIGLIARESSIS, MFA DIRECTOR AMERICAN AND W. EUROPEAN AFFAIRS, WHO WILL HANDLE ARRANGEMENTS FOR OBSERVER ON PART OF GOG.

5. FIRST PRESS COMMENT ON CASE IN SEVERAL MONTHS APPEARED IN JUNE 30 LOWER FRONT PAGE STORY, INCLUDING PHOTOGRAPH OF SGT. SANCHEZ, IN APOGEVMATINI. STORY HEADED "THE AMERICAN RAPIST IS NOT BEING TRIED. HE IS COVERED BY IMMUNITY," BUT WAS REASONABLY FACTUAL DESCRIPTION OF JURISDICTIONAL SITUATION AND ITS RESOLUTION, PROBABLY BASED ON INFORMATION PROVIDED BY AN INTERESTED PARTY OF MINISTRY OF JUSTICE OFFICIAL. NO OTHER PRESS STORIES HAVE YET APPEARED, ALTHOUGH FURTHER PRESS STORIES ARE LIKELY TO BE STIMULATED WHEN GCM RESUMES. KUBISCH

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